



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204
(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Michael R. Pence
Governor

Thomas W. Easterly
Commissioner

October 16, 2014

VIA ELECTRONIC MAIL

Mr. Michael A. Kopp
Spencer County Sand, LLC
P.O. Box 2428
Clarksville, IN 47131

Dear Mr. Kopp:

Re: Approval of Termination
NPDES Permit No. ING490122
2792 North U.S. 231
Rockport, IN
Spencer County

Our agency has reviewed your request of September 3, 2014 for termination of the above-referenced permit. You state that the subject property is no longer being mined, and that there are no intentions to extract sand from the pit on the property. Also, you state that there is no possibility of discharge from the pit.

IDEM's wastewater field inspector concurs with your assessment. Therefore, National Pollutant Discharge Elimination System Permit No. ING490122 is hereby revoked effective 18 days from the mailing date of this letter.

Any party adversely affected or aggrieved by this decision may appeal by filing a petition for administrative review with the Office of Environmental Adjudication (OEA) within eighteen (18) days after the date of mailing of this letter. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant, a person aggrieved or adversely affected by this termination or otherwise entitled to review by law. Pursuant to IC 13-15-7-3, this decision shall remain in effect pending a decision on any appeal that has been timely requested under the provisions of IC 4-21.5. The address is:

Office of Environmental Adjudication
Indiana Government Center North
100 North Senate Avenue, Room 501
Indianapolis, IN 46204



A State that Works

Mr. Michael A. Kopp
Page 2

You are reminded that any future discharge to waters of the state must be preceded by the submission of an NPDES application at least 180 days prior to the commencement of such discharge.

If you have any questions regarding this matter, please contact Ms. C. Anne Burget at (317) 234-8745.

Sincerely,

A handwritten signature in black ink, appearing to read 'Paul Higginbotham', with a long, sweeping horizontal line extending to the right.

Paul Higginbotham, Chief
Permits Branch
Office of Water Quality

cc: Spencer County Health Department

**STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

PUBLIC NOTICE NO. 2014 – 10D -GP

DATE OF NOTICE: October 16, 2014

The Office of Water Quality issues the following **NPDES GENERAL PERMIT**.

TERMINATION

SPENCER COUNTY SAND, LLC, Permit No. ING490122, SPENCER COUNTY, Rockport, IN. This permit is being terminated because there is no longer a discharge. Permit Writer: Anne Burget at 317/234-8745.

PROCEDURES TO APPEAL

General Permit documents are available for inspection at IDEM, Office of Water Quality/Permit Section, IGCN, 100 N Senate Ave, Indianapolis, IN, Room 1203, from 9 - 4, Monday-Friday (copies 10¢ per page). The General Permit is also available at the local Health Department. Please tell others you think would be interested in this matter.

Appeal Procedure: Any person affected by the issuance of the Final Permit may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication within eighteen (18) days of the date of this Public Notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant; a person aggrieved or adversely affected or is otherwise entitled to review by law.

Timely filing: The Petition for Administrative Review must be received by the Office of Environmental Adjudication (OEA) within 18 days of the date of this Public Notice; either by U.S. Mail postmark or by private carrier with dated receipt. This Petition for Administrative Review represents a request for an Adjudicatory Hearing, therefore must:

- state the name and address of the person making the request;
- identify the interest of the person making the request;
- identify any persons represented by the person making the request;
- state specifically the reasons for the request;
- state specifically the issues proposed for consideration at the hearing;
- identify the Final Permit Rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES Permit rule.

If the person filing the Petition for Administrative Review desires any part of the NPDES Final Permit Rule to be stayed pending the outcome of the appeal, a Petition for Stay must be included in the appeal request, identifying those parts to be stayed. Both Petitions shall be mailed or delivered to the address here:
Phone: 317/232-8591.

Environmental Law Judge
Office of Environmental Adjudication
IGC – North Building- Rm 501
100 N. Senate Avenue
Indianapolis IN 46204

Stay Time frame: If the Petition (s) is filed within eighteen (18) days of the mailing of this Public Notice, the effective date of any part of the permit, within the scope of the Petition for Stay is suspended for fifteen (15) days. The Permit will become effective again upon expiration of the fifteen (15) days, unless or until an Environmental Law Judge stays the permit action in whole or in part.

Hearing Notification: Pursuant to Indiana Code, when a written request is submitted, the OEA will provide the petitioner or any person wanting notification, with the Notice of pre-hearing conferences, preliminary hearings, hearing stays or orders disposing of the Petition for Administrative Review. Petition for Administrative Review must be filed in compliance with the procedures and time frames outlined above. Procedural or scheduling questions should be directed to the OEA at the phone listed above.

SPENCER COUNTY SAND, LLC

P.O. Box 2428
Clarksville, IN 47131
Ph: (812) 282-1349

September 3, 2014

Catherine Hess
IDEM
100 N. Senate Avenue
Indianapolis, IN 46204

Via Email Transmission Only
chess@idem.in.gov

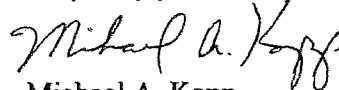
Re: *Permit No. ING490122—Spencer County Sand, LLC*

Dear Ms. Hess:

Please accept this letter as a formal request to terminate the above referenced permit. The basis of our request is two-fold. First, the subject property is no longer being mined. There are no intentions whatsoever to extract sand from the pit located on the property. Secondly, there is no possibility of a discharge from the pit. I have spoken with IDEM Inspector Keith Condra. Mr. Condra is familiar with the site and concurs with this conclusion.

For the reasons stated above, please terminate the above referenced permit. Please contact me with any questions or requests. Otherwise, I look forward to hearing from you in this regard.

Very truly yours,



Michael A. Kopp
General Counsel
Spencer County Sand, LLC

cc: Greg Glover (*via email transmission only*)

Permit only for sand operation. June 2014 limestone quarry was sold to INI, but this permit wasn't for that anyway. Quarry in Harrison Co. 1100 Quarry Rd. NW } Corydon 47112.

Burget, Catherine A

From: Condra, Keith
Sent: Tuesday, October 07, 2014 10:14 AM
To: Burget, Catherine A
Subject: RE: Spencer County Sand, LLC - NPDES Permit ING490122

At this time Spencer County Sand LLC NPDES permit can be terminated. They are no longer operating the pit and is not discharging. If they should start operations in the future they will need to get a permit before discharging.

From: Burget, Catherine A
Sent: Monday, October 06, 2014 8:39 AM
To: Condra, Keith
Cc: Burget, Catherine A
Subject: Spencer County Sand, LLC - NPDES Permit ING490122

Hi Keith –

I've been asked to terminate Spencer County Sand, LLC's NPDES permit. They say that you're familiar with their site, and concur that they have no plans to mine sand and that there is no possibility of discharge from the pit. Would you please send me a short email or call me just to make sure this is the case?

Thanks much!
Anne

C. Anne Burget
NPDES General Permits
Indiana Dept. of
Environmental Management
100 N. Senate Avenue, Rm 1255
317-234-8745
cburget@idem.in.gov